

REMARKS

Applicants appreciate the Examiner's review of the present Application and request reconsideration based on the above amendments and following remarks. Claims 1, 5-18, and 20 are pending in the present Application.

Claims Objections

The Examiner has objected to Claims 2 and 10 for informalities. Claim 2 was cancelled for the reasons described below, and Applicants have amended Claim 10 to correct such informalities. Applicants appreciate the Examiner's assistance in noting the informalities.

Rejections under 35 U.S.C. 103(a)

Claims 3 and 4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Davis et al. in view of McNamara et al. and Kelley et al. (U.S. Patent No. 6,088,659). Applicants traverse this rejection.

The Examiner states that Kelley discloses "a plurality of two way RF nodes in a wireless network for monitoring and controlling power usage including activating/deactivating power consuming devices over the wireless network", and references Col. 5 of Kelley. Applicants respectfully point out that neither Kelley, or Davis or McNamara either separately or in combination disclose the feature of "wherein said two way RF node components serve to both communicate with other ones of said two way RF node components; and to communicate ... with said remotely controllable power control devices" as claimed in Claim 4. The present invention, as claimed in Claim 4 provides an easily expandable RF node "web" through the use of RF node components that communicate with each other. This feature and advantages therefrom are described inter alia in Fig. 2 and in the specification at page 17 lines 23 to page 18 line 12.

Kelley does not disclose this feature. Kelley mentions using various RF cellular communications infrastructures at Col. 13 lines 26-33, but in all cases these are RF transmission infrastructures that are geographically set up to provide "direct" RF coverage for an area. The systems described transmit only between one point (such as a meter monitor) to a receiver point

(such as a cell tower), wherein the data is then sent over another wired network (such as telephone or internet). See Col. 13 lines 46-50. In all cases, Kelley depends upon existing infrastructure to support communications. McNamara and Davis also suffer from this limitation.

Applicants have amended Claim 1 to include the subject matter of Claims 2-4 and cancelled Claims 2-4. Applicants have also amended independent Claims 9 and 12 in a similar way, and cancelled Claim 19. Accordingly, Applicants assert that independent Claims 1, 9 and 12, and all claims dependent on them, are allowable.

Rejection under 35 U.S.C. 102(b) and 103(a)

Claims 12-20 are rejected under 35 U.S.C. §102(b) as being unpatentable over McNamara et al. (U.S. Patent No. 5,818,725). Applicants have amended Claim 12 to be allowable over McNamara. Accordingly, Applicants assert that Claim 12 and all claims dependent thereon are allowable.

Claims 1-2, 5-8 and 9-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Davis et al. (U.S. Patent No. 5,576,700) in view of McNamara et al. Applicants have amended Claims 9 and 10 to be allowable over McNamara. Accordingly, Applicants assert that Claims 1 and 10 and all claims dependent thereon are allowable.

Terminal Disclaimer

Claims 1-20 are rejected under the judicially created doctrine of obviousness-type double patenting. Applicants enclose a terminal disclaimer based on common ownership of the pending application and U.S. Patent No. 6,633,823.

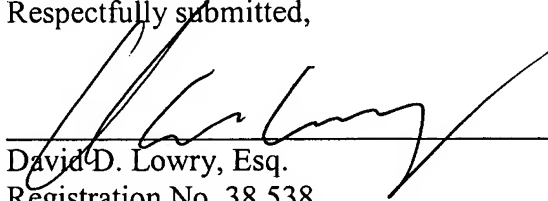
Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such action is hereby solicited. The Examiner is invited and encouraged to telephone the undersigned at the number below with any questions or concerns in furtherance of the prosecution of the present application.

Please charge any deficiency as well as any other fees which may become due at any time during the pendency of this application, or credit any overpayment of such fees to deposit account No. 50-0369. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge deposit account No. 50-0369 therefore.

Respectfully submitted,

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David D. Lowry, Esq.
Registration No. 38,538
BROWN RUDNICK BERLACK ISRAELS LLP
One Financial Center
Boston, MA 02111
Tel: (617) 856-8399
Fax: (617) 856-8201
Customer No. 21710